UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

ADAM BEATY,
Petitioner,

and

Case No. 16-RD-232491

L&L FABRICATION, LLC,
Employer,

and

SHEET METAL WORKERS
INTERNATIONAL ASSOCIATION,
LOCAL 68,
Union.

PETITIONER ADAM BEATY'S REQUEST FOR REVIEW

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REQUEST FOR REVIEW

On December 19, 2018, Regional Director Timothy L. Watson dismissed the Petition for a Decertification Election filed in this case based solely on the Board's "voluntary recognition bar" doctrine. *See Lamons Gasket Co.*, 357 NLRB 739 (2011). (Mr. Watson's Dismissal Order is attached hereto as Exhibit 1).

Petitioner Adam Beaty ("Beaty" or "Petitioner") submits this Request for Review pursuant to R & R 102.71. Beaty asks the Board to grant review because this case presents compelling reasons for reconsideration of the "voluntary recognition bar" doctrine and related Board rules and policies. *See* R & R 102.71(a)(2). Beaty asks the Board to: (1) recognize that "voluntary recognitions" are not as fair or reliable as certifications following Board-supervised secret ballot elections, and (2) overrule *Lamons Gasket*. The Board should hold that employees subject to a "card check" or other "informal" recognition process have the right to file for a secret-ballot decertification election at *any* time after recognition, unless and until the union files for and wins an "RC" secret-ballot election and thereby converts its lesser "voluntary recognition" status into a Board-supervised certification. *See, e.g., Dana Corp.*, 351 NLRB 434 (2007) (voluntary recognitions based on "card checks" are not entitled to "bar quality").

ISSUE PRESENTED

1) Should *Lamons Gasket* be overruled? 2) Should employees subject to a "card check" recognition process be allowed to exercise their Sections 7 and 9 rights to conduct a secret ballot "RD" election at any time they choose, and thereby reject the union that was "voluntarily recognized" by their employer?

INTRODUCTION

The Board currently adheres to a "voluntary recognition bar" policy that blocks decertification elections from occurring once an employer unilaterally recognizes a union as its employees' representative—at least until after a "reasonable time" to negotiate has elapsed, and perhaps up to a year. *See, e.g., Keller Plastics, Inc.*, 157 NLRB 583 (1966); *MGM Grand Hotel Inc.*, 329 NLRB 464, 469-75 (1999) (Member Brame, dissenting); *Lamons Gasket.* That "voluntary recognition bar" policy is both controversial and wrong.

In *Dana Corp.*, the Board modified the "voluntary recognition bar" doctrine because it recognized the inferiority of "card checks" and other "informal" recognition processes in contrast to Board-supervised secret-ballot elections. As *Dana* noted, secret-ballot elections are "held under the watchful eye of a neutral Board agent and observers from the parties. A card signing has none of these protections. There is good reason to question whether card signings in such circumstances accurately reflect employees' true choice concerning union representation." 351 NLRB at 439. *Dana* provided employees with at least some semblance of protection from suspect "card check" recognitions, recognizing that such "informal" recognitions are not entitled to "bar quality."

A mere four years later, however, in what was aptly described as "a purely ideological policy choice, lacking any real empirical support," *Lamons Gasket*, 357 NLRB at 748 (Member Hayes, dissenting), the Board reversed course and overruled *Dana*. But *Dana* was essentially correct, because card check campaigns often include coercive organizing tactics that allow unions and employers to subvert employees' right of free choice, and place enormous power in the hands of interested employers and avaricious unions. *See, e.g., Mulhall v. UNITE HERE Local 355*, 618 F.3d 1279, 1286-88 (11th Cir. 2010) (recognizing that unwanted union representation may result from neutrality

agreements and card checks, constituting an "unwarranted and unfair infringement on employee free choice"); *International Ladies Garment Workers v. NLRB*, 366 U.S. 731, 737 (1961).

Accordingly, Beaty asks the Board to once again reassess and overrule the discredited voluntary recognition bar doctrine, which prevents employees from exercising *their* rights to a secret-ballot election at a time of their own choosing.

STATEMENT OF THE FACTS

On August 15, 2018, L&L Fabrication (the "Employer") and Sheet Metal Workers Local 68 (the "Union") entered into a Voluntary Recognition Agreement after the Employer was presented with a "card check" purporting to show majority employee support. (Ex. 1). On December 10, 2018, Beaty filed this "RD petition" with Region 16. The showing of interest supporting that RD petition was signed by approximately 90% of the eligible unit employees.

On December 19, 2018, the Regional Director dismissed the petition, stating that:

> Under Board law, the parties must be afforded a reasonable time to bargain and to execute the contracts resulting from such bargaining before the Union's majority status may be properly challenged. The Board has found that a recognition bar will apply for a reasonable time period of no less than six (6) months from the date of the parties' first bargaining session. Here, the Employer and Union met for their first bargaining session on or about September 4, 2018.

(Ex. 1).

Thus, Beaty's decertification petition was dismissed based on the "voluntary recognition bar" the Board reinstituted in *Lamons Gasket*. This timely Request for Review follows.

ARGUMENT

There is a compelling reason to reconsider the "voluntary recognition bar" and overrule *Lamons Gasket*: A secret-ballot election is the superior vehicle to protect employees'

Section 7 rights, and "voluntary recognitions" do not deserve protection via an election bar.

A. Employee free choice under Section 7 is the highest priority of the NLRA.

The NLRA's paramount policy is employee free choice. *See Pattern Makers League v. NLRB*, 473 U.S. 95 (1985); *Lechmere, Inc. v. NLRB*, 502 U.S. 527, 532 (1992); *Lee Lumber & Bldg. Material Corp. v. NLRB*, 117 F.3d 1454, 1463 (D.C. Cir. 1997) (Sentelle, J., concurring) (employee free choice is the "core principle of the Act") (citations omitted). NLRA Section 7 could not be clearer: "Employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing . . . and *shall also have the right to refrain from any or all of such activities* . . . ." 29 U.S.C. § 157 (emphasis added); *cf. NLRB v. Savair Mfg. Co.*, 414 U.S. 270, 278 (1973) ("Any procedure requiring a 'fair' election must honor the right of those who oppose a union as well as those who favor it.").

Indeed, the NLRA exists to enable employees to freely *choose or reject* union representation. It does not favor one choice over the other. As former Member Brame eloquently put it: "unions exist at the pleasure of the employees they represent. Unions represent employees; employees do not exist to ensure the survival or success of unions." *MGM Grand Hotel*, 329 NLRB at 475; *see also Baltimore Sun Co. v. NLRB*, 257 F.3d 419, 426 (4th Cir. 2001) (noting Section 7 "guards with equal jealousy employees' selection of the union of their choice and their decision not to be represented at all").

Any other notion—including the notion that the NLRA's purpose is to increase labor organizations' membership ranks or promote union-management labor stability at the expense of employee free choice—is false. The policy of "encouraging the practice and procedure of collective bargaining," stated in the preamble to the NLRA, 29 U.S.C. § 151, does not mean the Act endorses favoritism towards unionization or employees who

support unionization over those who wish to refrain from it. Only where a majority freely selects a union is there any policy interest in promoting collective bargaining or "labor stability." *See generally, IBM Corp.*, 341 NLRB 1288 (2004) (finding *Weingarten* rights have no application in a setting where employees reject union representation); *Baltimore Sun*, 257 F.3d at 426.

Collective bargaining is itself entirely predicated on the exercise of employee free choice enshrined in NLRA Section 7:

> [T]he Act itself, in its substantive provisions, gives employees the fundamental right to choose whether to engage in collective bargaining or not. The preamble and the substantive provisions of the Act are not inconsistent. Read together, they pronounce a policy under which our nation protects and encourages the practice and procedure of collective bargaining *for those employees who have freely chosen to engage in it.*

Levitz Furniture, 333 NLRB 717, 731 (2001) (Member Hurtgen, concurring) (emphasis added).

Union representation is predicated on the exercise of employee free choice. The Act does not favor collective bargaining between an employer and a union that lacks majority support. Indeed, "[t]here could be no clearer abridgement of Section 7 of the Act" than for a union and employer to enter into a collective bargaining relationship when a majority of employees do not support union representation. *See Int'l Ladies Garment Workers v. NLRB*, 366 U.S. 731, 737 (1961); *see also Majestic Weaving Co.*, 147 NLRB 859, 860-61(1964) (finding that an employer negotiating with a minority union is unlawful, even if majority status occurs in the future).

In short, any policies the Board implements must make employee free choice—not "industrial stability" or union convenience—its highest priority. The protection of employee free choice requires that *Lamons Gasket* be overruled.

B. Secret-ballot elections are the superior vehicle to promote employee free choice under NLRA Sections 7 and 9.

To facilitate the paramount policy of employee free choice, the Board in *Dana Corp.* limited the "voluntary recognition bar." It did so by allowing employees to call for a secret-ballot election within a specified time frame after recognition was formally announced. In implementing that change, the Board recognized that "[t]he preference for the exercise of employee free choice in Board elections has solid foundations in distinctions between the statutory process for resolving questions concerning representation and the voluntary recognition process." 351 NLRB at 439.

Dana set forth four separate rationales to explain why a secret-ballot election is more valued and reliable than a voluntary recognition. *First*, Board-supervised secret-ballot elections have a great advantage over "informal" card check campaigns in preventing union and employer coercion of voters. *Id.* at 438-39. *Second*, there is a strong potential for unions or employers to provide misinformation to employees about the card check process. *Id.* at 439. *Third*, secret-ballot elections are indisputably more fair and democratic than public card signing campaigns. *Id. Last*, there are due process advantages to secret-ballot elections that do not exist in card check campaigns. *Id.* at 439-40 (footnotes omitted).

The text and history of the NLRA support the Board's conclusions in *Dana*. The NLRB's statutory representation procedures were established precisely to determine whether employees support or oppose representation by a particular union. In Sections 9(b) and 9(c) of the Act, Congress vested the Board with the duty to direct and administer secret ballot elections and decide representational issues so as to determine the "uninhibited desires of the employees." *Gen'l Shoe Corp.*, 77 NLRB 124, 127 (1948); *NLRB v. Sanitary Laundry*, 441 F.2d 1368, 1369 (10th Cir. 1971) (Section 9 of the Act

imposes on the Board the broad duty of providing election procedures and safeguards). Indeed, secret-ballot elections are the "gold standard" for determining union representation preferences, as everyone instinctively knows.

For example, the Supreme Court has long recognized that secret-ballot elections are the preferred method for gauging whether employees desire union representation. *See Linden Lumber Div., Summer & Co. v. NLRB*, 419 U.S. 301, 304, 307 (1974); *NLRB v. Gissel Packing Co.*, 395 U.S. 575, 602 (1969) ("secret elections are generally the most satisfactory—indeed the preferred—method of ascertaining whether a union has majority support"); *Brooks v. NLRB*, 348 U.S. 96 (1954) ("an election is a solemn and costly occasion, conducted under safeguards to voluntary choice").

Likewise, even before *Dana*, the Board emphasized that Board-conducted elections are the preferred way to resolve questions regarding employees support for unions. *Levitz Furniture*, 333 NLRB at 723, *citing Gissel Packing*, 395 U.S. at 602; *Underground Serv. Alert*, 315 NLRB 958, 960 (1994); *NLRB v. Cornerstone Builders, Inc.*, 963 F.2d 1075, 1078 (8th Cir. 1992); *MGM Grand Hotel*, 329 NLRB at 469-75.

In short, the Board must give Board-supervised secret-ballot elections a higher status than voluntary recognitions achieved by potentially dubious "informal" means or even coercion.[1]

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1 The conclusion that secret-ballot elections are more reliable than voluntary recognitions not only makes sense, but has been born out in practice. There exists a long and sordid history of employers and favored unions making backroom deals that disregard employee free choice to achieve a dubious "voluntary recognition." *See, e.g., Duane Reade, Inc.*, 338 NLRB 943 (2003), *enforced sub nom. Duane Reade Inc. v. NLRB*, No. 03-1156, 2004 WL 1238336 (D.C. Cir. June 10, 2004) (union and employer conspire to achieve "voluntary recognition" of a minority union favored by the employer); *Shore Health Care Ctr., Inc.*, 317 NLRB 1286 (1995), *enforced sub nom. Fountainview Car Ctr. v. NLRB*, 88 F.3d 1278 (D.C. Cir. 1996) (supervisors and other agents of the employer actively encouraged employees to support the union); *NLRB v. Windsor Castle Healthcare Facilities, Inc.*, 13 F.3d 619 (2d Cir. 1994), *enforcing* 310 NLRB 579 (1993) (employer provided sham employment to union organizers and assisted their recruitment efforts); *Kosher Plaza Supermarket*, 313 NLRB 74, 80-82 (1993) (employer threatens discharge

C. The alternative, of using only post-recognition ULP charges to protect employees' interests, does not adequately protect employee free choice.

For employees faced with a suspect or unlawful "card check" recognition, a Board-supervised election is the superior alternative to forcing them to file post-recognition ULP charges to challenge the ersatz recognition. Indeed, there are several reasons why post-recognition ULP charges are an exceedingly poor substitute for a secret-ballot election to determine employees' representational wishes.

First, ULP procedures are inadequate to determine whether employees support or oppose union representation because that is not what they are designed to accomplish. Sections 10 and 11 of the Act empower the NLRB to prevent and remedy violations of the Act. NLRA Sections 3(d) and 10 assign the General Counsel responsibility for investigating ULP charges, issuing and prosecuting complaints, and seeking compliance with Board orders in court. However, these sections of the NLRA were not designed to determine the representational wishes of employees. Congress specifically enacted Section 9 of the Act for that purpose.

Second, ULP proceedings are dependent upon a brave employee filing a ULP charge challenging the arrangement between his employer and ostensible union representative, and even if an employee does file a charge, it is then filtered sparingly through the General Counsel's prosecutorial lens. *See* 29 U.S.C. § 153(d); *NLRB v. UFCW*, 484 U.S. 112 (1987) (General Counsel has unreviewable discretion to issue or not issue complaints in

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of employees who refuse to sign cards for favored union); *Brooklyn Hosp. Center*, 309 NLRB 1163 (1992), *aff'd sub nom. Local 144, Hotel, Hosp., Nursing Home & Allied Servs. Union v. NLRB*, 9 F.3d 218 (2d Cir. 1993) (employer permitted union, which it had already recognized, to meet on its premises for the purpose of soliciting union membership); *Famous Casting Corp.*, 301 NLRB 404, 407 (1991) (employer unlawfully supported union and coerced employees into signing authorization cards); *D & D Dev. Co.*, 282 NLRB 224 (1986) (employer actively participated in the union organizational drive from start to finish); *Roundup Co.*, 282 NLRB 1 (1986) (employer invited union it favored to attend hiring meeting with employees, to the exclusion of a rival union).

ULP cases). Allowing the General Counsel to resolve what is effectively a representational issue—determining whether the union recognized by an employer has the uncoerced support of a majority of employees—should give the Board pause, as Congress empowered only the Board to decide representational issues. *See* 29 U.S.C. § 159.

Third, an after-the-fact investigation of a ULP allegation does not affirmatively determine the employees' wishes. It merely hunts for ULPs. It is impossible for the General Counsel, after-the-fact, to divine the employees' true wishes by trying to piece together all the myriad events and circumstances that occurred in an unsupervised "card check" drive and the subsequent voluntary recognition.

Lastly, a more stringent standard of union and employer conduct is used in ULP proceedings than in representational proceedings. Indeed, conduct that does not rise to the level of a ULP can still be found to violate employee free choice under the laboratory conditions standard for representation proceedings. *Gen'l Shoe*, 77 NLRB at 127. Thus, a union can become an exclusive bargaining representative through a "card check" procedure by engaging in conduct that would have precluded it from obtaining such status through a secret-ballot election.

For example, the Board has held the following conduct upsets the laboratory conditions necessary to guarantee employee choice in an NLRB-conducted secret-ballot election, and has caused entire elections to be held invalid: electioneering activities at the polling place, *see Alliance Ware Inc.*, 92 NLRB 55 (1950) and *Claussen Baking Co.*, 134 NLRB 111 (1961); union or employer representatives engaging in prolonged conversations with prospective voters in the polling area, *see Milchem Inc.*, 170 NLRB 362 (1968); electioneering among the lines of employees waiting to vote, *see Bio-Medical Applications of P.R., Inc.*, 269 NLRB 827 (1984) and *Pepsi Bottling Co. of Petersburg, Inc.*, 291 NLRB

578 (1988); speechmaking by a union or employer to massed groups or captive audiences within twenty-four hours of the election, *see Peerless Plywood Co.*, 107 NLRB 427 (1953); and a union or employer keeping a list of employees who have voted as they entered the polling place (other than the official eligibility list). *See Piggly-Wiggly*, 168 NLRB 792 (1967).

The above conduct, which disturbs the laboratory conditions necessary for employee free choice, does not, without more, amount to a ULP. Yet this conduct occurs with almost every "card check" drive and voluntary recognition. When an employee signs (or refuses to sign) a union authorization card, he or she is not likely to be alone. Indeed, this decision is likely made in the presence of one or more union organizers soliciting the employee to sign. This solicitation could occur during or immediately after a union mass meeting or a company-paid captive audience speech. Since a union authorization card is ostensibly the equivalent to casting a ballot, the place where an employee signs (or refuses to sign) a card is the functional equivalent to a polling place in an election, as it is where the employee makes his or her choice.

Moreover, the employee's decision to sign (or not) is not secret, as in an election, since the union clearly has a list of who has signed an authorization card and who has not. A choice against signing a union authorization card does not end the decision-making process for an employee in the maw of a card check drive, but often represents only the beginning of harassment and intimidation for that employee. In sharp contrast, each employee participating in an NLRB-conducted election makes his or her choice in private. There is no one with the employee at the time of decision. The ultimate choice of the employee is secret from both the union and the employer. Once the employee has made the decision by casting a secret ballot, the process is at an end.

Fully recognizing these principles, the Board has held that evidence of employee support derived from a card check campaign is not nearly as reliable as a secret-ballot election in gauging employee support for a union. The implementation of *Dana* illustrated this. The post-*Dana* empirical evidence, summarized in Member Hayes's dissent in *Lamons Gasket*, shows that employees rejected voluntarily recognized unions in secret-ballot *Dana* elections more than one-fourth of the time. 357 NLRB at 751.

In short, employees are entitled to laboratory conditions to make a free choice as to whether they desire union representation. As noted above, it is the Board's duty "to establish those conditions; it is also [the Board's] duty to determine whether they have been fulfilled." *Gen'l Shoe*, 77 NLRB at 127. After-the-fact ULP procedures governed by the General Counsel's unreviewable discretion cannot substitute for a secret-ballot election.

D. *Lamons Gasket* undermines the Board's primary function to conduct elections, and the "reasonable time to bargain" test leads to wasteful, duplicative litigation.

The voluntary recognition bar announced in *Lamons Gasket* does not work and cannot be practically applied. *Lamons Gasket* defines the voluntary recognition bar as lasting for at least six months after the parties' *first bargaining session* (not the date of recognition) and then up to one year. 357 NLRB at 748. Thus, *Lamons Gasket* prevents petitions from being filed before the bar's initial six-month period even begins to run. Even after this absolute six-month negotiations period expires, a Region may still dismiss a petition for up to another six months if it determines that a reasonable time to bargain has not yet elapsed. The Region is required to make this determination based on a multi-factor test under *Lee Lumber & Building Material Corp.*, 334 NLRB 399 (2001). The factors used to determine whether a reasonable time has passed are: (1) whether the parties are bargaining for an

initial contract; (2) the complexity of the issues being negotiated and of the parties' bargaining processes; (3) the amount of time elapsed since bargaining commenced and the number of bargaining sessions; (4) the progress made in negotiations and how close the parties are to an agreement; and (5) whether the parties are at an impasse. *Id.* at 402.

However, the application of *Lee Lumber* is particularly inapposite in the representation context, since these factors are used to decide whether a reasonable time has passed when dealing with an *unfair labor practice*. Putting aside the facts of that case, the application of the *Lee Lumber* factors to a voluntary recognition leads to strange results. For example, one of the factors is how close the parties are to an agreement. The Board has noted that if the parties are far away from an agreement, they should be given more time to bargain and the petition should be dismissed. But if the parties are close to an agreement, they should be given more time to bargain and the petition should be dismissed. *See MGM Grand Hotel*, 329 NLRB at 465. Thus, an employee may file a petition too early and then refile a month later and be too late. Employee rights should not be so dependent upon threading a needle, especially one over which they have no control.

Ultimately, reliance on a multi-factor test with shifting deadlines necessitates employees filing multiple decertification petitions, month after month, until they finally are granted an election. *See, e.g.*, *Student Transp. of Am.*, No. 06-RD-127208 (NLRB June 5, 2014) (employees in a successor situation, which also follows *Lee Lumber*, filed four separate decertification petitions over a year-long period, until the Region finally granted an election—which the union lost by an overwhelming vote of 88-13).

The absurdity of the recognition bar in practice was also demonstrated in *Americold Logistics*, 362 NLRB No. 58 (2015). There, an employer voluntarily recognized the union as the bargaining agent pursuant to a card check conducted on June 18, 2012. *Id.*, slip op. at

*1. However, the first bargaining session did not occur until October 2012—four months after recognition. *Id.* A petition for a decertification election was filed soon after, on November 19, 2012, and dismissed because the Region found that a minimum reasonable period of bargaining had not elapsed because the parties had only been bargaining for a month, even though the union had been recognized for nearly six months. *Id.*, slip op. at *2. A second decertification petition was filed on April 8, 2013, and again was dismissed by the Region on the basis that the parties had not yet had enough time to bargain. *Id.* A third petition was filed on June 28, 2013, more than one year after the union had received recognition from the employer. *Id*. However, on June 29, the union ratified a collective bargaining agreement, potentially barring any election for three more years if the third petition was dismissed. *Id.*

The Region processed the third petition and held an election. The Regional Director ruled that, because more than a year had passed since recognition, a voluntary recognition bar could no longer exist. The Region, however, impounded the ballots after the union appealed the Region's decision to the Board. In a 2-1 decision, the Board overturned the election, and the Region destroyed the ballots. *Id.*, slip op. at **3-6. Despite the fact a year had passed since recognition, the Board majority found that, because the start of bargaining had been delayed, the time period to file a decertification petition was also delayed. *Id.* Thus, because of the voluntary recognition bar, the employees were denied an election for a full year after recognition, and were then denied an election for up to three additional years because of the "contract bar." As former Chairman Miscimarra recognized in his dissent, the result in that case did not "assure to employees the fullest freedom in exercising the rights guaranteed by [the] Act." *Id.*, slip op. at *11 (citation omitted). Indeed, former Chairman Miscimarra explicitly stated he would overrule *Lamons*

Gasket. *Id.*, slip op. at **6-13.

In short, the *Lamons Gasket* "reasonable time to bargain" rule is impractical, unmanageable, and unpredictable. It places employees on a treadmill to nowhere instead of allowing them to exercise their free choice rights under NLRA Sections 7 and 9.

E. This case is an ideal vehicle to reconsider and overrule *Lamons Gasket*.

What happened to Mr. Beaty and his fellow employees is "Exhibit A" for the ills of *Lamons Gasket* and the voluntary recognition bar. Despite Petitioner filing a decertification election petition, no Board agent or official has ever determined whether he and a majority of employees at L&L Fabrication actually desired representation by the Union. For the NLRB to determine whether these employees support or oppose union representation, the Board must *itself* evaluate employees' true preferences. Again, there are two avenues available: ULP proceedings under the current *Lamons Gasket* framework, or a secret-ballot election. The Board must favor the latter if it is to properly and consistently protect the touchstone of the Act—employee free choice.

Once the Board recognizes that an election is the proper method to test whether an employer-recognized union has the employees' uncoerced support, it follows that the voluntary recognition bar must be abandoned in totality, with *no time limit* on employees' right to call for a secret-ballot election to oust the "recognized" union. (Of course a "recognized" union would remain free to file an "RC" petition to become the *certified* representative, with its attendant benefits, if it chooses). A contrary result unfairly prevents Mr. Beaty and his co-workers from voting in secret, at a time of their choosing, despite the fact that over 90% of them indicated a desire to decertify the Union just a few months after the suspect "voluntary recognition" was achieved.

CONCLUSION

The Regional Director's dismissal of the petition raises substantial questions of law and policy. Under R & R 102.71, the Board should grant this Request for Review; overturn the Regional Director's dismissal; overrule *Lamons Gasket*; order an immediate election; and hold that "voluntary recognitions" are entitled to no "bar quality" of any kind for any period of time. Voluntarily recognized unions wishing for "bar quality" are free to file for an "RC" election at any time.

Respectfully submitted,

/s/ Glenn M. Taubman

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CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2019, a true and correct copy of the foregoing Request for Review and the attachment were e-filed with the NLRB's Executive Secretary and e-mailed (or sent via FEDEX overnight, as noted) to:

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